

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
August 12-16, 2002

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-12	EX	75/942,409	Shane Williams	Simms* Seeherman Hairston	2(e)(1); whether applicant's recitations of services is sufficiently definite	Refusal Reversed		"FIRE TRADER" [buying, selling, trading and advertising of new and used fire safety and fire safety-related products and services via a computerized global network and via printed publication]		B. Rupp	No
8-12	OPP	117,420	The Sunrider Corp. v. Mineral Works	Simms* Hairston Bottorff	2(d)	Opposition Sustained	"VITALITE" [nutritional supplements]	"VITALIZE" [mineral-vitamin health supplements]			No
8-12	EX	75/637,523	Chilton and Leste Consultants	Hanak Hohein* Walters	2(d)	Refusal Affirmed		"TENDER LOVING CARE TLC HOME HOSPICE" (and design) [hospice services]	"TENDER LOVING CARE" (in design format) [home nursing services]	Collins	No
8-13	EX	75/874,479	Wimbledon Shops, Inc.	Seeherman Hairston* Chapman	2(d)	Refusal Reversed		"FRITZ'S BASKET BABIES" [collectible porcelain dolls]	"FRITZ" (in stylized lettering) [puppets]	Neville	No
8-13	EX	76/188,553	RRF Industries	Hanak Hairston Drost*	2(d)	Refusal Affirmed		"HEMINGWAY TRADERS" [men's sportswear, namely, shirts with front pockets and plackets with stitching details]	"HEMINGWAY" [men's and women's outdoor clothing, namely, underwear, swimwear, pajamas, nightgowns, robes, socks, shirts, t-shirts, sweatshirts, sweaters, pants, sweatpants, dresses, skirts, shorts, jumpsuits, jackets, raincoats, vests, hats, gloves, ties and scarves]	R.K. Williams	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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8-13	EX	75/816,791	Grande Foods	Cissel Walters* Hanak	2(d)	Refusal Affirmed as to applicant's goods in class 30 (but only as to cited registration for mark LAURA SCUDDER'S for pretzels and breadsticks); Refusal Reversed as to applicant's goods in class 29		"LAURA SCUDDER'S GRANDE" [potato chips, and dried dip mixes composed primarily of herbs, vegetables and spices (in class 29); tortilla chips, corn chips and cheese flavored puffed corn snack (in class 30)]	2 cited registrations for the mark "LAURA SCUDDER'S" [<i>one registration for pretzels and breadsticks and the other for peanut butter</i>]	Blandu	No
8-13	EX	75/703,296	A & I Supply Co.	Simms Hairston* Rogers	2(e)(1)	Refusal Reversed		"GREEN STRAND" [wire rope]		First	No

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8-13	EX EX EX	76/035,119 76/035,120 76/035,301	Zolo Technologies, Inc.	Simms Cissel* Seeherman	2(d)	Refusal Reversed in all three cases		"ZOLO," "ZOLO TECH," and "ZOLO TECHNOLOGIES" [<i>all three marks for</i> fiber optic communications components, namely, optical multiplexers, optical de-multiplexers, optical spectrum analyzers, reconfigurable add/drop multiplexers, electro optic solid state switches and external cavity semiconductor lasers, and multiplexed optical signal attenuators]	"SOLO" [optical fiber cable]	Choe	No
8-14	EX	75/754,896	TekSystems, Inc.	Simms Cissel Drost*	2(d)	Refusal Affirmed as to applicant's services in class 35; Refusal Reversed as to applicant's services in class 42		"TEK" [temporary and permanent placement of personnel in the information systems industry (in class 35); computer services, namely, computer consultation and systems management, integration of computers systems and networks and on-site monitoring of computer systems in the information systems industry (in class 42)]	"TEK RESOURCES" [temporary and contract employment services in the computer technology field; employment recruiting and counseling in the computer technology field]	Khan	No

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8-14	EX	76/074,262	Genex Corp., Inc.	Hairston Chapman Drost*	2(d)	Refusal Affirmed		"GENEX" [export agencies in the field of heavy industrial equipment and materials for electronic and telephonic communication systems]	"GENEX" [advertising for others via electronic communications networks in the fields of computers, computing, computer and technology -related services, <i>etc.</i> ; procurement services for others, namely, the purchasing and resale of computer hardware, computer software and peripherals; production of entertainment and educational material for dissemination by electronic communications networks, <i>etc.</i> ; computer programming for others; developing, hosting, maintaining, or providing the programming for websites and on-line magazines for others on electronic communications networks; custom interactive writing services for others; consultation services regarding computers and electronic communications networks]	Verhosek	No

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8-16	CANC	30,706	Seedbiotics, LLC v. Gustafson LLC	Quinn Hohein Bucher*	abandonment	Petition to Cancel Denied	"N-HANCE" [coating legume seeds with a seed polymer]	"ENHANCE" [fortified inoculating bacteria for legume seeds]			No
8-16	EX	75/682,656	Circa Footwear	Quinn Chapman* Bottorff	2(d)	Refusal Affirmed		"CIRCAFOOTWEAR" [athletic footwear]	"CIRCA" (in stylized lettering) [belts]	Ortiga	No
8-16	EX EX EX	75/688,691 75/693,982 75/693,991 75/772,705	Motient Corp.	Walters* Chapman Rogers	Section 6 disclaimer requirement (of term ELINK)	Refusal Affirmed in all four cases		"ELINK WIRELESS E-MAIL SERVICES" (and design) <i>and</i> "ELINK" (and design) <i>both marks for</i> telecommunications equipment, namely, a combination pager and email device; publications, namely, pamphlets, booklets, printed instructional materials, printed instruction sheets, brochures, manuals, leaflets, flyers, books and newsletters regarding telecommunications and related subjects; telecommunications services, namely, email and paging services); "ELINK MESSENGER" and "ELINK AGENT" <i>both marks for</i> telecommunications equipment, namely, a combination pager and email device; telecommunications services, namely, email and paging services]		Mays	No

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8-16	OPP	113,471	Newborn Brothers and Co., Inc. v. Dripless, Inc.	Hohein Chapman* Drost	functionality; whether applicant's claimed mark has acquired distinctive-ness under Section 2(f); whether the terms of a prior settlement agreement between the parties precludes registration	Opposition Dismissed		the color yellow applied to the major surfaces of applicant's goods [caulking guns]			No
8-16	EX	75/917,312	Anton Airfood, Inc.	Cissel Walters Drost*	2(d); Section 6 disclaimer requirement (of the words FRESH FOOD FAST)	Refusal Affirmed		"RAPIDO'S FRESH FOOD FAST" [restaurant and carry-out restaurant services]	"WRAPIDO" (and design) [restaurant services]	Faint	No

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